

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>LOUISIANA-PACIFIC CORPORATION,</b>	)	
	)	
<b>Plaintiff/Counter-Defendant,</b>	)	
	)	
v.	)	<b>CIVIL ACTION NO. 3:18-cv-00447</b>
	)	
<b>JAMES HARDIE BUILDING PRODUCTS,</b>	)	<b>JUDGE MCCALLA</b>
<b>INC.,</b>	)	<b>MAGISTRATE JUDGE HOLMES</b>
	)	<b>JURY DEMAND</b>
<b>Defendant/Counter-Plaintiff/</b>	)	
<b>Third-Party Plaintiff,</b>	)	
	)	
v.	)	
	)	
<b>THE KRUSE BROTHERS, INC.,</b>	)	
	)	
<b>Third-Party Defendant.</b>	)	

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**MOTION FOR A BRIEFING SCHEDULE AND  
RELIEF FROM LOCAL RULE 7.01(b)**

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COMES NOW, Third-Party Defendant The Kruse Brothers, Inc. ("Kruse"), by and through counsel, and hereby files this Motion for a Briefing Schedule and Relief from Local Rule 7.01(b), thereby extending the time within which Kruse must respond to such motion. For cause, Kruse would state and show unto the Court:

1. The Third-Party Complaint against Kruse was filed on June 15, 2018 (Dkt # 28).
2. Kruse was severed on June 27, 2018, with a copy of the Third-Party Complaint.  
(Dkt #44).
3. On July 2, 2019, counsel for Kruse was retained and entered a Notice of Appearance in this matter (Dkt. # 41).

4. On July 9, 2018 Kruse filed its Answer to the Third-Party Complaint. (Dkt#56).
5. On July 12, 2018, Hardie moved for a preliminary injunction against Kruse and LP (Dkt. # 58).
6. Counsel for Kruse has been working tirelessly to assimilate the voluminous documents already produced in this matter under the expedited discovery order relating to LPs motion for preliminary injunction.
7. Upon receipt and review of Hardie's Motion for Preliminary Injunction, counsel for Kruse has noted areas where limited, expedited discovery must follow to ensure that Kruse may adequately defend against the preliminary injunction. Kruse has not yet had the opportunity to engage in meaningful discovery and should be allowed to conduct discovery in defense against the Motion for Preliminary Injunction.
8. Specifically, but without limiting the scope of discovery, Kruse needs to depose Hardie Board employee Addison Garner, whose declaration was filed in support of Hardies's Motion for Preliminary Injunction (DKT# 63). In this declaration, Mr. Garner claims to have heard statements uttered by Kruse, as well as representatives of LP, while attending an LP training session facilitated by Kruse.
9. Specifically, but without limiting the scope of discovery, Kruse needs to depose Hardie Board agent and proffered expert, Delwyn Kubeldis, whose declaration was filed in support of Hardies's Motion for Preliminary Injunction (DKT# 61). Kubeldis has opined as to ultimate issues in this matter and will likely have information necessary for Kruse to successfully defend against the Motion for Preliminary Injunction.

10. Furthermore, counsel for Kruse, Brian T. Boyd, currently has a trial set in the Western District of Texas to begin on August 20, 2018. The pretrial deadlines are July 23, 2018.

Third-party defendants respectfully request this court order an extension of all deadlines for a period forty-two (42) days from entry of such order and allow discovery to proceed on an expedited basis on substantially similar terms to that afforded Hardie regarding LP's Motion for Preliminary Injunction.

Respectfully submitted,

/s/ Brian T. Boyd

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_ day of July 2018, a copy of the foregoing was served via Court's electronic notice system:

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/s/ Brian T. Boyd  
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